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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/820,554      | 03/29/2001  | Kazutoyo Maehiro     | 6514-7              | 4973             |

7590 06/08/2005

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| EXAMINER |
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CHEN, TE Y

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| ART UNIT | PAPER NUMBER |
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2161

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/820,554

Applicant(s)

MAEHIRO, KAZUTOYO

Examiner

Susan Y. Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-28 and 30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13, 15-28, 30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

This office action is in response to amendment filed on 07/22/2004.

Claims 1 –13, 15-28 and 30 are pending for examination; claims 1, 15-16 and 30 have been amended, claims 14, 29 and 31 have been canceled.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over by MacNaughton et al. (U.S. Patent No. 5,796,393) of record, further in view of Junkin (U.S. Patent No. 6,193,610) of record.

As to claims 1, 15-16 and 30, MacNaughton et al. (hereinafter referred as MacNaughton) discloses a computer system [e.g., see Abstract, Fig. 1] with apparatus, methods and computer program products as claimed by applicant, to perform the following processing, comprising:

a) a membership information retrieval server [e.g., see the Community Server (18), Fig. 1] accepts requests from a group of user terminals [e.g., see the user's

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terminal with Web browser (10), Fig. 1] via the Internet communication protocols [e.g., TCP/IP (16, 34), or HTTP or FTP or IRC, etc; col. 6, lines 35-37] to perform the following functions, comprising:

- \* storing the membership information from a group of users to a storage device [e.g., see col. 8, lines 29-33; the Membership Database (44), Fig. 1B], therein the membership information is updated dynamically by the user [e.g., col. 8, lines 33-42] and comprising video game information entered into and sent from each of the user terminals [e.g., col. 8, lines 43 – col. 9, line 41].

- \* retrieval and searching selected membership information from the storage device in respond to the request from the system user [col. 1, lines 54-61; col. 8, lines 10-23; col. 9, lines 41-45], wherein the selected membership information corresponding to online and offline users [e.g., see the CwholsHereTrackReq, CwholsHereTrackRsp provided (col. 17, lines 16-18) and CinviteTrackReq, CinviteTrackRsp (col. 17, lines 18-22) functions by the community server (col. 18, lines 23 – 50)];

- \* displaying the membership information sent from the server on display of the user terminals [col.2, lines 19-23];

- \* communicating to one or more members in the created temporary user list via messages flow between a client/server model [Fig (s) 4-5]. [e.g. see the “who’s Online” and “Invitation” functional processing cited at col. 16, lines 15 - 59; col. 18, lines 42-51; col. 21, lines 36-45, wherein a second temporary user list that is associated with the invitation action can be created by using extended scripting language].

Although MacNaughton discloses that the membership information entered into and sent from each of the user terminals including system membership status [e.g., col. 14, Login and Logout fields of the various request type table] for an on-line subscribers Internet service system [e.g., Abstract, lines 1-3], he did not specifically disclose that the membership information having the updated video game status.

However, Junkin discloses an interactive system having the updated video game status as claimed by applicant [e.g. Abstract; Fig. 4B; col. 8, lines 48 – col. 9, line 28].

Therefore, with the combined teachings of MacNaughton and Junkin in front of him/her, an ordinary skilled artisan at the time the invention was made would be motivated to further modify the combined system with the video game status as claimed by applicant, because by doing so, the modified system will provide a user friendly real-time video game status and allows the player to make selections as desired.

As to claims 2-13 and 17-28, except the features recited in claims 1, 15-16 and 30, MacNaughton further discloses that the system having the features as claimed by applicant, including:

a) a determination system [e.g., 148, Fig. 4] that determines whether each of the group of the user terminals is current online [e.g., see 150, Fig. 4], wherein the communication server [e.g., 140, Fig. 4] imports the determination results into the membership information and then sends the membership information to the user terminal [col. 8, lines 43-65; Fig. 4; col. 16, lines 15 - 48];

b) the membership information includes user name, text , etc, which can be updated whenever necessary from the user terminal online [col. 8, lines 29-39].

### ***Response to Arguments***

Applicant's arguments filed on 03/23/2005 have been fully considered but they are not persuasive.

The examiner disagrees with applicant's argument that the claims have been amended to further define the membership information as being dynamically updated from user terminals, thus are allowable over the applied references.

In response to this argument the examiner points out that the amended limitations as claimed by applicant met by MacNaughton's and Junkin's disclosures as discussed above. As such, the examiner maintains the same type of rejection on record.

### ***Conclusion***

To expedite the process of re-examination, the examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. 35 U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen  
Examiner  
Art Unit 2161

June 1, 2005

  
UYEN LE  
PRIMARY EXAMINER